APPENDIX I

Minority Business Enterprise Programs of State Governments [1]

State	Citation	Coverage	Goals
Alabama	Exec. Order No. 89 (1978)		[2]
Arkansas	Exec. Order No. 83-2	Goods and services	10%
	Ark. Stat. Ann. §§ 5-916.2 to 5-916.6	Creates MBE office; defines functions	
	Exec. Order Proc. EO83-2	Goods and services	10%

[1] In addition to the procurement measures listed in the Table, Alaska law provides for an employment preference for "economically disadvantaged minority residents" in areas of the State suffering from underemployment. The Labor Commissioner identifies zones of underemployment. In those zones, residents who are "economically disadvantaged minority residents" have a preference for 25% of the jobs or a percentage representative of the number of minority citizens in the zone, whichever is greater. Alaska Stat. § 36.10.170 (1987).

Georgia allows an income tax credit of 10% of payments made by contractors to MBE subcontractors. H.B. 635 A/P, S.B. 48-7-38, eff. Jan. 1, 1985.

Kansas has established an Office of Minority Business to offer advice and technical assistance to MBEs; the office helps locate resources and acts as a minority advocate.

[2] The 1978 Executive Order created a Department of Small and Minority Business Enterprise to encourage those businesses. The policy was to be "implemented by all State agencies, departments and institutions by purchasing a fair proportion of the supplies, commodities and services required . . . ."

State	Citation	Coverage	Goals
Arizona	Exec. Order No. 87-9 (10/22/87)	All contracts	[3]
California	Cal. Gov't Code §§ 8790.70 - 8790.87 (West 1987)	All contracts for construction, professional services, materials, supplies, equipment, and repairs	15%
	Cal. Gov't Code § 14132, eff. Jan. 1, 1989, 1988 Cal. Stat. ch. 9	Highway construction	15%
	Cal. Gov't Code § 14839 (West 1987)	Establishes Office of Small and Minority Business	
	Cal. Gov't Code § 16850, eff. Jan. 1, 1989, 1988 Cal. Stat. ch. 61	Professional bonding services	15%
	Cal. Pub. Cont. Code § 10108.5, eff. Jan. 1, 1989 (West 1988)	State prison facilities	15%

	Cal. Pub. Cont. Code § 10115, eff. Jan. 1, 1989, 1988 Cal. Stat. ch. 61	All state contracts except highway construction	15%
	Cal. Pub. Cont. Code § 10470 (West 1988)	Correctional facilities	15%
	Cal. Sts. & Hy. Code §§ 94.3, 94.4 (West 1987)	MBE certification provision	
	Cal. Pub. Cont. Code § 2000 (West 1987)	Permits local agencies to establish MBE goals for local purchases	
Colorado	Exec. Order (Dec. 10, 1987)	State procurement	17%
Connecticut	Conn. Gen. Stat. Ann. § 32-9e (1987)	Construction, goods, and services	15-25%
Florida	Fla. Stat. Ann. § 287.042 (West 1988)	Construction, contractual services, commodities	15%

[3] The Executive Order expands the Governor's Office of Affirmative Action to encompass minority and women owned business enterprises. The office is "to facilitate, preserve and strengthen minority and womens business enterprises and ensure their full participation in the State of Arizona's free enterprise system."

State	Citation	Coverage	Goals
(Fla. cont.)	Fla. Stat. Ann. § 287.093 (West 1987)	Authorizes set-asides by counties, cities, and school districts in purchases of goods and services	10%
Illinois	Ill. Stats. Ann. ch. 127, ¶ 132-600 *et seq.* (Smith-Hurd 1985)	State contracts	10%
Indiana	Ind. Code § 4-13-16.5-2(e) (7) (Michie 1987)[4]	State constracts	5%
Iowa	Iowa Code § 314.14 (West 1985)	Highway construction	10%
Kentucky	Ky. Rev. Stat. §§ 45.470 - 45.510 (Michie 1986)	Goods, services, and construction	[6]
Louisiana	La. Rev. Stat. Ann. §§ 39:1951 to 39:1991 (West 1987)[6]	Public works, goods, and services	10%

	La. Rev. Stat. Ann. § 38:2233.2 (West 1987)	Authorizes local government set-aside programs	10%
Maryland	Md. State Fin. & Proc. Code Ann. § 18-601 (Michie 1985)	Transportation construction contracts over $100,000	10%
		All other state procurement	10%
Massachusetts	Exec. Order No. 237 (1984); Mass. Gen. Laws Ann. ch. 23A, §§ 39-44 (West 1987); and	Goods, supplies, and services	5%
		Construction	10%

[4] The State information brochure, *Indiana/We'll Help You Make It*, states that the "MBE program relies on voluntary goal setting by individual state agencies for increasing minority participation in contracts."

[5] Kentucky's Small or Small Minority Business Purchasing Act sets no specific goals. The Act provides that the Finance and Administration Cabinet set aside contracts for minority business enterprises if the Cabinet can identify 3 minority businesses that can reasonably be expected to bid and the businesses are "capable of furnishing the desired property or services."

[6] Louisiana's Minority Business Enterprise Act deals with procurement. Louisiana's Minority Development Act (La.Rev.Stat.Ann. §§ 51:1751 - 51:1765) defines "minority business enterprise," sets up an authority and a fund, and authorizes loan guarantees to MBEs.

State	Citation	Coverage	Goals
(Mass. cont.)	Mass. Admin. Reg. 509 (1984)		
Michigan	Mich. Stat. Ann. § 3.540 (51), (52) (Callaghan 1985)	Construction, goods, and services	7% [7]
Minnesota [8]	3 A Minn. Stat. Ann. § 16B.19 (5), (6); § 16B.22 (1986)	All procurement	9%
Missouri	Mo. Ann. Stat. § 33.752-5 (7) (Vernon 1988)	State contracts	[9]
Nebraska	Exec. Order (Jan. 16, 1984)	State contracts	[10]
New Jersey	N.J. Stat. Ann. § 52:32-21 (West Supp. 1987)	Goods, equipment, construction, and services	7% [11]
	N.J. Stat. Ann. § 58:11B-26 (West Supp. 1987)	Wastewater treatment trust: Local government purchases	10%
	N.J. Stat. Ann. §§ 5:12-184 - 5:12-190	Purchases of goods and services by casinos	15%

	(West Supp. 1987); 1987 N.J. Sess. Law Serv. ch. 137 (West)		
New Mexico	Exec. Order No. 83-52 (1983)[12]	Each Cabinet Department	Negotiated fair share (no numeric goals)

[7] The Michigan statute (Mich.Stat.Ann. §§ 3.540(31)-3.540(35)) authorizes a Minority Business Enterprise Division within the Department of Commerce. The Division must develop plans and specific program goals. The procurement policy requires a goal of "not less than 7%." Mich.Stat.Ann. §§ 3.540(51), (52).

[8] The Minnesota statute authorizes a set-aside for the "socially and economically disadvantaged," including "racial minorities, women, or persons who have suffered a substantial physical disability."

[9] Mo.Ann.Stat. §§ 33.750 - 33.755 creates a Minority Business Development Commission. Mo.Ann.Stat. § 33.752-5(7) states that it is the duty of the Commission to "[e]stablish as a goal that state contracts be let to racial minority businesses." The statute contains no specific percentages.

[10] Article IV of the Executive Order requires each department to prepare an Affirmative Action Plan of Implementation for the Internal/External Contract Compliance Program. The plan "shall facilitate the promotion and enhancement of economic opportunities for all disadvantaged businesses and members thereof."

[11] The New Jersey Set Aside Act for Small Businesses, Female Businesses, and Minority Businesses (N.J.Stat. Ann. §§ 52:32-17 to 52:32-30) states that at least 25% of state purchases of goods, equipment, services, or construction must be purchased from small (15%), minority (7%), or female (3%) businesses. The 1987 legislature established a grant program to counties and municipalities for pilot programs to assist in the development of small, minority, and women owned businesses. 1987 N.J. Sess.Law Serv. ch.56 (West).

[12] As of April 18, 1988, a new executive order is pending.

State	Citation	Coverage	Goals
New York	N.Y. Gen. Mun. Law §§ 955 - 969 (McKinney 1986)		[13]
	N.Y. Transp. Law § 428(2) (McKinney 1983)		
	N.Y. Unconsol. Laws § 6267 (McKinney 1983)		
	Exec. Order No. 21 (1983)	State construction contracts, goods, and services	12%
North Carolina	N.C. Gen. Stat. § 136-28.4 (Michie 1987) [14]		
	Exec. Order No. 34 (1987)	Contract purchases	4%
Ohio	Ohio Rev. Code Ann. §§ 122.71(e); 123.151; 125.081 (Page 1984) [15]	Construction	5%

Oklahoma	Okla. Stat. Ann. tit. 74, § 85.45c (West 1987)	Goods and services	10% [16]
Oregon	Or. Rev. Stat. §§ 200.005 - 200.085 (1987)	[17]	

[13] The New York State Economic Development Zones Act defines an MBE and provides that economic development zone plans must contain a description of programs to stimulate MBEs. N.Y. Gen.Mun. Law 962(h). MBEs must also be given an opportunity for "meaningful participation" in a "fair share of contracts" for New York City transit projects. N.Y. Pub. Auth. Law § 1266-c14(a)(i) (McKinney 1986).

[14] The North Carolina law declares that it is state policy to "encourage and promote use of small, minority, physically handicapped and women contractors" in construction of state roads. N.C.Gen.Stat. § 143-135.5 contains a similar provision for the construction of public buildings.

[15] In addition to the set-aside program, Ohio law establishes both a minority business development commission (Ohio Rev.Stat.Ann. §§ 122.92 - 122.94) and a minority development financing commission (Ohio Rev.Stat. Ann. §§ 122.71-122.85). There is also a special bonding program for minority contractors (Ohio Rev.Stat.Ann. §§ 122.87 - 122.89).

[16] The Oklahoma statute requires the State Purchasing Director to certify annually the percent of funds expended on state contracts which have been awarded to minority business enterprises. If the percentage is less than 10%, then a 5% bid preference goes into effect. The percentage is adjusted annually according to formula. Okla. Stat. Ann. tit. 74, § 85.45c(B).

[17] The Oregon Minority and Women Business Assistance Act defines disadvantaged, minority, and women business enterprises, establishes a certification procedure, prohibits fraud, establishes an advocate to "assist in the development and implementation of an aggressive strategy . . . that encourages participation of minorities and women in the state's economy," and sets standards for good faith efforts to meet goals. Or.Rev.Stat. §§ 200.005 - 200.085.

State	Citation	Coverage	Goals
Pennsylvania	73 Pa. Stat. Ann. §§ 390.1 - 390.18 (1987)	[18]	
	Exec. Order No. 1987-18 (1987)	State agency purchases	
Rhode Island	R.I. Gen. Laws §§ 37-14.1-1 to 37-14.1-8	Any and all goods and services	10%
	Exec. Order No. 85-4 (Feb. 20, 1985)	State purchases	10% minimum
South Carolina	S.C. Code Ann. §§ 11-35-5010 to 11-35-5270 (Law. Coop. 1986)	Total procurement	[19]
Tennessee	Tenn. Code Ann. § 4-3-728	Community development block grants	[20]
Texas	Tex. Civ. Code Ann. art. 4413 (301)	State procurement	[21]

[18] The Pennsylvania Minority Business Development Authority Act creates an authority and a bureau as part of the Department of Commerce and establishes a development fund. The Authority can lend money and guarantee investments in MBEs. The Executive Order creates an Office of Minority and Women Business Enterprise to "aggressively pursue contracting and subcontracting opportunities for MBEs . . . with State Government." Each agency is to "establish specific goals for meaningful and significant participation of MBEs . . . ." The Order also requires all departments, boards, and commissions to appoint a minority business coordinator to cooperate with the Office of Minority and Women Business Enterprise in developing an effective program in each agency "in establishing specific goals . . . ." *Id.* at 4 and 5(d).

[19] The law, which applies to all procurement, states that each agency director must set up an MBE plan annually with a goal that a "reasonable percentage" of the agency's "total procurements" will be purchased from minority businesses. S.C.Code Ann. § 11-35-5240(1). The South Carolina law also sets up a Small and Minority Business Assistance Office that provides lists of minority contractors, training of minority contractors, other training programs, and special publications. S.C. Code Ann. § 11-35-5270. The S.C. Department of Highways & Public Transportation is required by its enabling legislation to expend 5% of its construction funds with "small business concerns owned and controlled by economically and socially disadvantaged individuals." S.C.Code Ann. § 12-27-1320 (Law.Coop.Supp. 1987).

[20] Tenn.Code Ann. §§ 4-26-101 - 4-26-105 (Michie 1985) defines "disadvantaged business" enterprises; the statute authorizes the Department of Economic and Community Development to assist disadvantaged businesses by offering aid and developing loan sources. That statute contains no specific goals. Tenn.Code Ann. § 4-3-728, however, states that a "substantial portion" of community development block grants must be used, when "reasonably possible," for contracts with disadvantaged businesses.

[21] Several provisions of Texas law concern MBEs. Tex.Civ.Code Ann. art. 4413 (301), §§ 5.001 - 5.007 sets up a program to assist small businesses, including "disadvantaged" businesses. The Office of Small Business Assistance must offer guidance, assist with bidding, and foster participation by those businesses in state procurement. State agencies must keep data on the number of contracts awarded to disadvantaged businesses. Tex.Civ. Code Ann. art. 1118y, § 20 (d)(1) (Vernon 1988) authorizes regional transportation authorities to adopt MBE programs; Tex. C.P. & R. Code Ann. § 106.001 defines an MBE and authorizes municipalities to establish MBE programs.

State	Citation	Coverage	Goals
Virginia	Va. Code § 11-48 (Michie 1985)	[22]	
	Governor's Memorandum re: Minority Business Procurement Goals (1/15/83)	Contractual services, supplies, materials, and capital outlay projects	1.3%
	Governor's Memorandum re: 1984-85 goals (10/12/84)	State purchases as above	3-5%
Washington	Wash. Rev. Code Ann. §§ 39.19.010 to 39.19.921 (West 1988)	Goods and services	[23]
Wisconsin [24]	Wis. Stat. Ann. § 16.855 (10m) (a) (West 1987)	Construction contracts	5%
	Wis. Stat. Ann. § 16.75 (3m) (a); § 16.87(2) (1985-86);		

[22] The statute is intended to foster small businesses and those owned by minorities and women. "All public bodies shall establish programs" to facilitate the participation of minority businesses in state procurement transactions.

[23] The Washington Code establishes an Office of Minority and Women's Business Enterprises. The Office must establish overall goals for each state agency and educational institution for the procurement of goods and services, including professional services, from minority and women owned businesses. The programs are to be administered on a contract-by-contract basis or in a class-of-contract basis. Washington law also requires "first class cities" (those over 20,000) to "invite at least one proposal from a minority or woman contractor" when letting bids on "small public works." Wash. Rev. Code Ann. § 35.22.650. All contracts exceeding $10,000 let by first class cities must contain a clause that requires the contractor to "actively solicit" employment of minority group members and to solicit bids from minority group subcontractors. Wash. Rev. Code Ann. § 35.22.620(7)(b).

[24] A number of Wisconsin statutes contain specific goals for minority business enterprises: Wis.Stat.Ann. § 84.075—a 5% set-aside provision for engineering services and highway construction and maintenance contracts; Wis.Stat.Ann. § 16.87 (2)—5% set-aside for engineering, architectural, and environmental consultant services; WIS.Stat.Ann. § 16.75 (3) (3m) & (b)—5% set-aside for purchase of materials, supplies, equipment, and contractual services by the legislative and judicial branch. Wisconsin municipalities with sewer construction projects funded under the combined sewer overflow abatement program must set goals of awarding 20% of the subcontracts to MBEs. Wis.Stat.Ann § 66.905.

APPENDIX II

Minority Business Enterprise Programs of Municipal and County Governments [1]

The city and county programs listed on this chart include a wide variety of initiatives, including contracting goals, subcontracting goals or requirements, good faith efforts, bid preferences, set-asides, workforce requirements, and outreach programs, among others. A numerical percentage in the "Goals" column should not be read to imply a fixed and nonwaivable requirement or the absence of a waiver provision.

State and City/County	Citation	Types of Contracts Covered	Goals
Alabama:			
Birmingham:	Birm. Code § 3-3-16	Construction and purchase of goods, material, equipment, and services	Encourage, facilitate, and effect greater minority participation [2]
Alaska:			
Anchorage	Mun. Code § 7.60.010 *et seq.*; Mun. Reg. 7.60.006	All	Mayor sets annual goals on recommendation of MBE coordinator
Juneau	Ord. Serial No. 80-26; Res. Serial No. 677;	Construction Services	12-15% 2%

	City & Borough Code § 53.50.95 and program guidelines	Goods Other	2% 5%
North Slope Borough	Mun. Code § 2.36.130	All	5% bid preference
Soldotna	Female and Minority Enterprise Program (Sept. 1980, rev. Jan. 1984)	FAA assisted projects	5%

[1] This list is intended to be illustrative only and should not be regarded as exhaustive. The information in this appendix was collected from a survey drafted by the State and Local Legal Center and circulated through three channels to more than 3,600 state and local government officials. The Legal Center mailed the survey to more than 200 minority business development coordinators and contract compliance officers from mailing lists obtained from the Minority Business Enterprise Legal Defense and Education Fund, Inc., which has published another compilation in its Report on Minority Business Enterprise Programs of State and Local Governments (Jan. 1988). The National Association of Counties mailed the survey to 350 elected county executives, 780 professional county managers, and 300 appointed county civil attorneys. The National Institute of Municipal Law Officers mailed the survey to 2000 city attorneys. More than 700 responses were received. All information contained in this appendix is on file at the State and Local Legal Center.

[2] This plan was adopted after a goal of 10% participation by minorities in city contracts was invalidated. *Arrington v. Associated General Contractors,* 403 So.2d 893 (Ala. 1981), cert. denied, 455 U.S. 913 (1982).

State and City/County	Citation	Types of Contracts Covered	Goals
Arizona:			
Maricopa County	Program scheduled for adoption May 1988	Overall goal	10%
Mesa	Res. No. 4556 (1980)	CDBG funds	12%
Phoenix	Res. No. 15629	City-wide MBE utilization plan	Same percentage city-wide as applicable to federal grant-in-aid programs
Tucson	Res. No. 13567	All	Dollar value set on case-by-case review
California:			
Anaheim	Res. No. 85R-311	All	11.9%
Bell Gardens	Res. No. 84-11	Federally funded construction projects	10% goal and failure to meet goal can be grounds for rejecting

			the low bid on a particular project
Culver City	Res. No. 86-RO48	UMTA funds	10%
Fresno	Res. No. 87-344	Construction	25%
Gardena	Minute resolution (2/17/84)	UMTA funded projects	13.1%
Hayward	Ord. No. 86-09 C.S.	Procurement contracts over $10,000	10% bid preference for MBE
		Public works contracts exceeding $100,000	Percentage goal set annually
Los Angeles	Exec. Directive No. 1-B (March 29, 1983)	All, with some dollar minima	12-20% set by Dept.
Oakland	Ord. 9739CMS (March 13, 1979)	Purchasing	30% goal and 10% preference
	Res. 60691 (June 15, 1982)	Construction	30%
	Res. 58715CMS (Feb. 19, 1980)	Professional services	40%
Pasadena	Res. No. 83-2 (1983)	Community development funds	20%

State and City/County	Citation	Types of Contracts Covered	Goals
(Pasadena cont.)	Res. No. 54-82 (1980)	All contracts	10%
Richmond	Res. No. 183-84	Construction employment	population parity
		Construction contracting	20%
		Permanent project employment	good faith effort to achieve 125% of SMSA as of 1980 census (but not less than 35%)
		Business developed by the City	20%
		Goods, services, and franchises	20%
Sacramento	Res. No. 85-328	Procurement	20% (combined MBE and WBE)

Santa Clara County	Bd. of Supervisors Policy, Dec. 11, 1984	Construction Services contracts of $12,000 or more	12% contract-by-contract
San Diego	Res. Nos. R-262633: R-270402	Construction Consultant Vendor	20% 12% 10%
San Francisco	Ord. No. 139-84, S.F. Admin. Code ch. 12D [3]	Overall goal All contracts All purchases	30% 5% bid preference 10% set-aside
San Jose	Res. No. 56342 (1983); Res. No. 59890 (1987); Res. No. 58915 (1986)	Construction contracts over $50,000	Set for each project
Santa Monica	Res. No. 6386 (1981)	Public works and all purchasing	10% goal (22% achieved)
Solano County	Ord. No. 1310 (1987)	All for-profit contracts	13%

[3] This plan was largely invalidated in *Associated General Contractors of California v. City & County of San Francisco*, 813 F.2d 922 (9th Cir. 1987), pet. for rehearing pending.

State and City/County	Citation	Types of Contracts Covered	Goals
Stockton	Res. No. 87-0584	All public works, supply, and services contracts over $20,000	15%
Colorado:			
Denver	Ord. No. 246 (1983)	Construction, professional services, and design	20%
Greeley	Ord. No. 420	Federally funded projects	Annual goals
Connecticut:			
Hartford	Resolutions of June 10, 1985, and Feb. 14, 1983	Construction	At least 10% MBE and WBE with determination to be made for particular contracts whether a greater percentage for MBEs is possible

New Haven	Ord. No. 12½ (1965)	Construction projects over $100,000	15%
Delaware:			
New Castle County	Exec. Order No. 12 (1985)	All contracts	15%
Wilmington	1 Wilm. Code §§ 20-40 through 20-43	Construction All contracts	15% set-aside 25% goal in FY 1990
District of Columbia	D.C. Code §§ 1-1141 to 1-1150	All contracts	35% unless otherwise set
Florida:			
Alachua County	Ord. No. 86-8	All bid contracts	15% (subject to reevaluation)
		Specific contracts	Percentage can be set aside
Broward County	Ord. No. 84-14; Admin. Order No. 852; Res. Nos. 84-1688 and 87-3570	All procurement except medical and legal services, and construction contracts over $150,000	Annual goals proportioned to population

State and City/County	Citation	Types of Contracts Covered	Goals
(Broward Cty. cont.)		Particular contracts	Percentage can be set aside to remedy past acts of discrim-ination
Daytona Beach	Ord. No. 84-131, City Code ch. 13½, art. II	Subcontracts	10%
Dade County	Cty. Code § 10-38	Construction	Contract specific
	Cty. Code § 2-8.2	Goods and services	Contract specific
Escambia County	County Commission Policy Statement, March 4, 1983	Contracts for goods and services in the construction industry:	
		$1 million or less	10%
		$1 to 10 million	5%
		over $10 million	1%

Fort Lauderdale	Code § 2-40.1	Procurement	Equitable opportunity to participate
Fort Myers	Ord. No. 2333 (1986)	All contracts and subcontracts	12%
Gainesville	Res. No. 86-60	All	Must take affirmative action to solicit quotations from MBEs; all factors being equal, preference shall be given MBEs
Hialeah	City Code § 2-5 (1984)	Contracts over $50,000	25% of contractor's workforce must be minority
Hillsborough County	Res. No. R 86-0170	Construction contracts of $100,000 or more	25%
		Goods and services	5%

State and City/County	Citation	Types of Contracts Covered	Goals
Jacksonville	Ord. No. 83-1200-647	All	10%
Leon County	Bd. of Commissioners Policy, Sept. 29, 1987	Capital improvement budget (except construction), equipment, commodities, and services	5%
Miami	Ord. No. 10062, City Code § 18-67	Procurement	51%
Orange County	Cty. Code art. IV, ch. 1, § 1-63 to 1-69	All contracts and subcontracts	18%
Orlando	City Code, ch. 57, art. II	Construction, services, and supplies	18%
Palm Beach County	Ord. No. 88-4	All	Encourage participation by MBEs and use good faith efforts to achieve

			the maximum use of MBEs [4]
Pensacola	Ord. pending passage to create § 3-3-4 of Pens. Code (formerly by executive policy)	All	15%
St. Petersburg	City Code ch. 2, art. III, § 2-57	Goods and services	10%
	City Code ch. 2, art. III, § 2-59	Construction	Contract by contract
Tallahassee	Res. No. 82-R-1216	Contracts over $100,000	15%
Tampa	Exec. Orders No. 85-19 and 86-14	All contracts	25%
Georgia:			
Atlanta	Admin. Order No. 84-5	Contracts over $25,000 and contracts for professional or consulting services	Set annually (35% for 1985)

[4] A draft ordinance including overall goals for MBE participation in county contracting was redrafted following the Fourth Circuit's decision in the *Croson* case. Memorandum of March 31, 1988, to the State and Local Legal Center from Maureen Cullen, Assistant County Attorney, Palm Beach County, Florida.

State and City/County	Citation	Types of Contracts Covered	Goals
Augusta	Res. No. 9842 (1984)	Transit Dept. contracts	10%
Dekalb County	Res. of Aug. 15, 1982	All	15%
Fulton County	Res. of July 17, 1987	Contracts over $25,000 and contracts for professional or consulting services	Goal of 20% for FY 88; set annually
Macon	Res. No. R-83-0008	Inner city development project	Start-up costs for MBEs
Richmond County	Bd. of Commissioners Policy Statement, 12-1-87	Contracts over $25,000 and contracts for professional or consulting services	Foster and promote MBEs; actively solicit bids

Hawaii:			
Maui	Res. No. 82-3	Federally assisted projects.	10%
Illinois:			
Bloomington	City Code ch. 22.2	Construction	8.9% (by population)
Evanston	Res. No. 59-R-73	All goods and services	Must solicit bids from MBEs
		Specific projects and commodities	Percentage set aside annually by city manager
Peoria	City Counsel Policy and City Affirmative Action Plan 1985-88	Subcontracts	10%
Peoria County	County Affirmative Action Policy, August 14, 1984	All	County will not contract with any business that does not have an affirmative action plan; contractor must supply information on

State and City/County	Citation	Types of Contracts Covered	Goals
(Peoria Cty. cont.)			racial composition of workforce during bidding
Rockford	Mayor's Program on Minority Businesses (1985)	All	Recruits and refers MBEs
	Equal Employment Opportunity Ord. No. 9½	All contractors with the City	Must maintain a minimum 9% minority workforce
Indiana:			
Anderson	Resolutions 1981 and 1985	Construction and other purchases	10%
Fort Wayne	Gen. Ord. No. G-84-07 (1984)	Procurement Construction	15% 10%
Indianapolis/ Marion County	Exec. Order No. 1 (1987)	All	10%
Iowa:			

Cedar Rapids	Res. Nos. 532-4-84; 1373-9-85; 76-1-86	All Federally funded projects	5% 10%
Des Moines	Contract Compliance Program and Policy Statement (1986)	Public works contracts Professional services	7-9% 4%
Iowa City	Res. No. 83-417	All Contracts over $25,000	3% Contractor must have affirmative action program
Mason City	Human Rights Code, tit. II	All Federally funded projects	2% 10%
Waterloo	Res. No. 1986-58	Construction projects over $100,000 Construction funded all or in part by federal funds	5% 10%
Kansas:			
Lawrence	Ord. No. 5436 (1983)	All contracts over $10,000	12.9%
Leavenworth	Res. No. B813 (1984)	Construction	10%
Wichita	Admin. Reg. 64 (1983)	CDBG funded construction	10%

State and City/County	Citation	Types of Contracts Covered	Goals
Kentucky:			
Jefferson	Res. No. 75, Series 1987	Construction subcontracts	15%
Lexington/ Fayette County	Code § 2.46	All	Policy to encourage use of MBEs
Louisville	Ord. No. 136 (1983)	All	5% credit on MBE bids if 20% of prior year's expenditures are not awarded to MBEs [5]
	Proposed Ord.	All	MBE Utilization Plan
Louisiana:			
Baton Rouge	City Ord. No. 10390; Parish Ord. No. 16793 (1980)	Construction contracts over $100,000, professional services, equipment, and supplies	10%
Calcasieu Parish	Motion of Police Jury Jan. 21, 1988	Jail and Courthouse Improvement Project	10%
Lake Charles	Ord. No. 6747 (1980)	All	10%

Monroe	Ord. Nos. 7932 (1986); 7322 (1981)	All DOT assisted programs	10%
New Orleans	City Ord. No. 2-50.5; Exec. Order 84-01; Admin. Dir. 210	Construction and public works contracts over $100,000	20% goal and 1% set aside
Shreveport	Exec. Order No. 88-1	Construction and purchases	10%
		Professional services	5%
Maryland:			
Anne Arundel County	MBE Procurement Guidelines and Procedures, Nov. 1985	All contractors on contracts over $10,000	Must take affirmative steps to use MBEs, including soliciting bids and either confirming use of MBE subcontractors or showing good faith efforts; noncompliance with MBE policy can be grounds for denial of contract and actions against contractor

[5] This plan was invalidated in *J. Edinger & Son, Inc. v. City of Louisville, KY*, 802 F.2d 213 (6th Cir. 1986).

State and City/County	Citation	Types of Contracts Covered	Goals
Baltimore	Ord. No. 790 (1986)	All	20%
Baltimore County	Exec. Order (1983)	Capital improvement projects over $100,000	10%
Howard County	Cty. Code tit. 4, subt. 1, § 4.103(d)	All	10% if solely city funded, 15% if federally funded
Montgomery County	Cty. Code § 11B-23A	All contracts over $75,000	15%
Prince George's County	Ch. 102, 1984 County Laws; chs. 87 & 88, 1987 County Law; CR-33-1985; CR-107-1987	All	30%
Massachusetts:			
Amherst	Selectmens Policy G-2-11-86	All	5%
Arlington	Town Plan (1984)	Construction, supplies, materials, services, and equipment	5%

Attleboro	MBE Plan/Statement of Policy, Dec. 1981	Construction contracts over $50,000, other contracts over $4,000	5%
Boston	Exec. Order, Dec. 1, 1987	Goods and services	15%
		Construction	15%
		Construction in an impacted area	30%
Fitchburg	Policy Statement (1986)	All contracts and purchases	10%
Lynn	Policy Statement (1985)	Construction contracts over $150,000, goods, services, and supplies	10%
Malden	Ord. No. 754 (1985)	Goods, services, and supplies	10%
Marlborough	MBE Policy Statement (1982)	Purchases over $25,000	5%
New Bedford	Exec. Order No. 3 (1986)	Construction, materials, goods, and services	10%
			5%
Springfield	Exec. Order (1984)	All	10% MBE and WBE combined

State and City/County	Citation	Types of Contracts Covered	Goals
Michigan:			
Battle Creek	Res. No. 114 (1980)	All contracts over $10,000 and all contractors with more than 15 employees	Failure to comply with affirmative action package precludes award of contract and can be basis for sanctions
		Construction	Contractors must employ minimum SMSA minorities
Detroit	City Code 18-5-31 *et seq.*	All city contracts	20%
Flint	Res. No. R-19 (Feb. 11, 1985)	Construction contracts over $10,000	20-46% phased in by 1990
Grand Rapids	City Commission Policy, May 25, 1982 (Code 1600-05)	Construction contracts over $10,000	10%
		Other contracts	Use of MBEs is encouraged
Saginaw	City Ord. D-1516 (1986)	Construction contracts	
		$50,000-$100,000	9%
		$100,000-$250,000	12%
		over $250,000	15%

		Procurement	up to 20% set aside for MBE/WBE
Minnesota:			
Hennepin County	Res. No. 7221	All above $50,000	
		Construction	6-10%
		Services	10%
		Goods	10%
		Construction subcontracting	10%
Minneapolis	Ord. No. 139.50; Res. of Dec. 20, 1980	Purchases and construction	10%
		Development	15%
St. Paul	Admin. Code ch. 81	All	5-15%
Twin Cities Metropolitan Waste Control Commission	Res. No. 87-262	Construction and engineering	Percentage set on each contract
		Goods and Services	Goals of 3½ to 10%
Mississippi:			
Jackson	Order 3-Z-323 (1985)	All	15%

State and City/County	Citation	Types of Contracts Covered	Goals
Missouri:			
Independence	City Affirmative Action Plan (rev. 1988)	All contracts over $10,000	2.5%
Kansas City	Admin. Reg. of City Manager (Sept. 5, 1980)	Construction Supplies Services	16% 10% 15%
St. Charles	Admin. Policy Jan. 1987	All	Good faith effort
St. Louis	Exec. Order Dec. 6, 1984	Construction contracts over $100,000	25-30% city residents in contractor's workforce, of whom 50% must be minorities
Nebraska:			
Lincoln	Ad. Reg. No. 12 (1984)	All contracts	Good faith efforts
Omaha	City Code ch. 10, § 10-108 § 10-194	Central Park Mall All	10% Must solicit

	§ 10-200	All	bids from minority sub-contractors 5% of contracts and 5% of dollar value of contracts
Nevada:			
Nye County	Res. No. R8 5-2A	All contracts over $10,000	5%
New Jersey:			
Atlantic City	Ord. No. 14 (1979); Exec. Orders No. 1 (1985) and No. 2 (1984)	All	25%
Atlantic County	County Exec. Order, May 19, 1983	Construction contracts over $100,000	15%
Atlantic County Improvement Authority	P.L. 1975, ch. 127	All	15% combined MBE and WBE

State and City/County	Citation	Types of Contracts Covered	Goals
Camden	Ord. MC 1964 (June 1983)	Construction, goods, and services	25% to 50% subcontracting (depending on size of contract)
	Ord. MC 2274 (Feb. 1987)	Construction, services, and procurement	15% set aside
East Orange	Ord. No. 7 (1982)	Construction and capital goods	25%
Newark	Ord. No. 6S & FE	Construction	33 1/3%
		Goods and services	25%
New Brunswick	Rev. Ord. No. 2-6v (Aug. 1986)	All procurement, all major construction projects and other enterprises	Percentage negotiated on contract-by-contract basis
Plainfield	Mun. Code art. 18, § 11-18-1	Construction subcontracting	25%
Union County	Res. No. 676-87	All purchases unless county has no discretion as to payee	7%

New Mexico:			
Albuquerque	Bill No. R-19, Enactment No. 27-1986	All public money expended by City for purchase of goods and services	10%
		US DOT funds	15%
New York:			
Albany	City Code § 1-706 to 1-718	All	17.8%
Albany County	Res. No. 124 (1985)	All contracts over $100,000	10%
Binghamton	Ord. No. 83-31	All	10%
Broome County	Res. No. 260 (1983); Res. No. 139 (1985)	Construction contracts over $100,000	3.5%
Buffalo	Common Council Proceedings 169 May 1, 1979	CDBG funded construction and demolition contracts	10%
Erie County	Local Law No. 6-1987	All contracts of County Dept. of Public Works and Dept. of Planning	10%

State and City/County	Citation	Types of Contracts Covered	Goals
(Erie Cty. cont.)		and Engineering over $100,000	
Monroe County	Exec. Order No. 1 (1983)	Construction	10%
New York	N.Y.C. Admin. Code tit. 6, § 6-108.1; § 6-108.2	Construction contracts in economic developments areas	10% for locally based enterprises including MBEs
Rochester	Res. No. 80-83 (1980 and annually thereafter)	Construction	Percentage set annually by City Council
Syracuse	City Charter, ch. 42	Construction contracts: $20,000 to 100,000 over $100,000	10% 15%
North Carolina:			
Chapel Hill	Disadvantaged Business Enterprise Program, September 1984	US DOT contracts	Each contract to have goals; failure to meet goals or show good faith effort can result in determination

			that bid is not responsive
Charlotte	N.C. SB 290, ch. 344 (1987); City Plan, Nov. 23, 1987	Construction	10%
		Procurements and professional expenditures	3%
		Federally assisted airport construction	14%
		US DOT UMTA funds	13%
Durham	Res. No. 5797 Res. Book 6, p. 41	Services, materials, and construction	20-35%
Greensboro	Code ch. 2, art. IV, § 2-117 (1985)	Commodities, services, construction, and repair work	10%
Mecklenburg County	Bd. of County Commissioners, Minority and Women's Business Enterprise Program (1986-87)	Construction and consulting	10%
		Procurement and professional services	3%
Winston-Salem	Res. Adopting Minority and Women Business Enterprise Program (July 18, 1983)	Construction	Goals negotiated for each contract; 5% penalty if contractor fails to meet

State and City/County	Citation	Types of Contracts Covered	Goals
Ohio:			
Akron	City Code § 34.10	Construction	15%
		Equipment, supplies, materials, nonprofessional services	7%
		Professional services	5%
Cincinnati	Ord. No. 242-1987	Construction	20%
		Equipment, supplies, materials, nonprofessional services	7%
		Professional services	5%
Cleveland	City Codified Ord. ch. 187	Construction	30%
		Services	20%
		Professional services	30%
		Supplies	20%
		Concessions	15%
Columbus	City Code §§ 3901-3927	Construction, services, purchase or lease of personal property	10%

Cuyahoga County	Res. No. 737333 (1987)	Construction contracts over $10,000	25%
		Supplies, goods, and services over $10,000	15%
		Contracts between $1,000 and $10,000	Percentage may be set aside
Dayton	R.C.G.O. §§ 35.30-35.35	Construction	20%
		Goods and services	5%
	R.C.G.O. -- 35.40-35.47	Sheltered market:	
		Construction	15%
		Goods and services	2.5%
Elyria	Ord. No. 83-758	Construction	14%
		Supplies, services, and professional contracts	5%
Lima	Ord. No. 131-86; Exec. Order (12/20/82, revised 4/7/83)	CDBG funded contracts	16%
Lorain	Ord. No. 23-82	Construction	15%
		Supplies	5%
Lorain County	Res. No. 84-547	Contracts over $20,000 for construction, supplies, and services	15%

State and City/County	Citation	Types of Contracts Covered	Goals
Massilon	Ord. No. 84-1983	All	10%
Montgomery County	Res. No. 87-1509	All procurement and additional programs:	15%
		Construction	Preference to contractor who meets subcontracting goal
		Professional services	Bid credits
		Goods under $10,000	Sheltered markets
Springfield	Ord. No. 84-608	Construction	10%
		Goods and services	5%
		Others	Conscientious effort
Stark County	Bd. of County Commissioners Res. of March 18, 1986	Construction contracts over $10,000	Waivable 10% set aside and 10% goal
Youngstown	Ord. No. 80-744; 84-465	All	Short-term 10% Long-term 15%

Oklahoma:			
Tulsa	Res. of 4/18/86	All	Each City Dept. to set feasible goals
Pennsylvania:			
Harrisburg	Ord. No. 7-1983	Construction	15%
		Equipment purchases	5%
		Material, supplies	10%
		Services	15%
		Professional services	15%
Philadelphia	Phila. Code, ch. 17-500	Construction, vending, and services	15%
South Carolina:			
Charleston	City Code § 2-267		Set annually, but not less than
		Construction	8%
		Services	3%
		Supplies	5%
Columbia	Res. No. R-86-10 (1986)	All	Specific procurement goals set annually; specific contract goals set

State and City/County	Citation	Types of Contracts Covered	Goals
(Columbia cont.)			on each prime contract of $25,000 or more
Richland County	Ord. No. 1068-83HR	All over $5,000	15%
South Dakota:			
Sioux Falls	Res. No. 158-86	City street projects	5%
	Res. No. 36-88	Construction	10%
	Res. No. 271-85	Procurement	Equitable opportunity to compete
Tennessee:			
Chattanooga	Res. No. 13618	Contracts over $500,000	10-13%
Memphis	Ord. introduced 3/17/87	All goods and services	10%
		Construction contracts over $100,000	10%
Shelby County	Res. No. 18 (1986)	All	10%
Texas:			
Austin	Ord. No. 87-0219-Q	Construction contracts	5%

		Construction subcontracts	10%
		Goods and nonprofessional services	10%
		Professional services	5%
Beaumont	Res. No. R-86-164	Construction over $50,000	10%
		Professional services over $25,000	20%
Dallas	Res. No. 84-5301	Over $25,000	17%
		$10,000 to $25,000	2%
		Under $10,000	7%
El Paso	Ord. of Aug. 13, 1985	Construction	25%
		Professional services, equipment, supplies, services	20%
Fort Worth	City Council Policy, July 8, 1986	All	12%
Houston	Ord. No. 84-1309	Construction over $1 million	12%
		Goods over $100,000	9%
		Services	19%

State and City/County	Citation	Types of Contracts Covered	Goals
Lubbock	City Council Minority/Women Business Enterprise Statement, March 1984; Res. No. 667 (Dec. 11, 1980)	All contracts and projects	Good faith effort
San Antonio	Ord. No. 51954 (1980)	Procurement Construction Professional services	5-9% 12-15% 32-35%
Virginia:			
Richmond	Mun. Code § 12-156(a)[6] Mun. Code § 12-156(b)	Construction All other contracts	30% 20%
Washington:			
King County	Cty. Code ch. 4.18 of 1982, amended by Ord. Nos. 7789, 8121, 8313	Construction Services Goods Concessions Consultant	18% 10% 15% 10% 15%

Renton	R.C.W. § 35-35.22.650	Construction	Set by contract
Seattle	Ord. No. 109113, codified at Mun. Code ch. 20-46	Construction and consulting	20%
		Purchasing	15%
Spokane	City Council Res. 1988	All contracts	5%
Tacoma	Official Code ch. 10.26	Construction	15%
Wisconsin:			
Madison	Res. No. 39,920	Consulting, construction, vendor	Overall goal 10% and specific projects 5%
Milwaukee	Mun. Ord., ch. 360	All projects	28% phased in over 7 years (enacted 1987)
Milwaukee County	Ord. chs. 32, 42, 44	All procurement, professional services, construction	15%

[6] This plan is under review in this case.

State and City/County	Citation	Types of Contracts Covered	Goals
Milwaukee Sewerage District	Exec. Orders No. 12138, 11625, 12432; NR 128.14	Construction	10% 1980-82 and 15% thereafter
		Professional services	10% until 1984 and 15% thereafter
Racine County	Ord. under consideration [7]		

[7] Memorandum of March 28, 1988, from Joseph R. Buchanan, Racine County Affirmative Action Officer.